

BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of

STEPHEN J. JOYCE, M.D.

License No. 9875
For the Practice of Allopathic Medicine
In the State of Arizona.

Case No. MD-07-1073B

**CONSENT AGREEMENT FOR
LETTER OF REPRIMAND AND
PROBATION**

CONSENT AGREEMENT

By mutual agreement and understanding, between the Arizona Medical Board ("Board") and Stephen J. Joyce, M.D. ("Respondent"), the parties agreed to the following disposition of this matter.

1. Respondent has read and understands this Consent Agreement and the stipulated Findings of Fact, Conclusions of Law and Order ("Consent Agreement"). Respondent acknowledges he has the right to consult with legal counsel regarding this matter.

2. By entering into this Consent Agreement, Respondent voluntarily relinquishes any rights to a hearing or judicial review in state or federal court on the matters alleged, or to challenge this Consent Agreement in its entirety as issued by the Board, and waives any other cause of action related thereto or arising from said Consent Agreement.

3. This Consent Agreement is not effective until approved by the Board and signed by its Executive Director.

4. The Board may adopt this Consent Agreement or any part thereof. This Consent Agreement, or any part thereof, may be considered in any future disciplinary action against Respondent.

5. This Consent Agreement does not constitute a dismissal or resolution of other matters currently pending before the Board, if any, and does not constitute any

1 waiver, express or implied, of the Board's statutory authority or jurisdiction regarding any
2 other pending or future investigation, action or proceeding. The acceptance of this
3 Consent Agreement does not preclude any other agency, subdivision or officer of this
4 State from instituting other civil or criminal proceedings with respect to the conduct that is
5 the subject of this Consent Agreement.

6 6. All admissions made by Respondent are solely for final disposition of this
7 matter and any subsequent related administrative proceedings or civil litigation involving
8 the Board and Respondent. Therefore, said admissions by Respondent are not intended
9 or made for any other use, such as in the context of another state or federal government
10 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or
11 any other state or federal court.

12 7. Upon signing this agreement, and returning this document (or a copy thereof)
13 to the Board's Executive Director, Respondent may not revoke the acceptance of the
14 Consent Agreement. Respondent may not make any modifications to the document. Any
15 modifications to this original document are ineffective and void unless mutually approved
16 by the parties.

17 8. If the Board does not adopt this Consent Agreement, Respondent will not
18 assert as a defense that the Board's consideration of this Consent Agreement constitutes
19 bias, prejudice, prejudgment or other similar defense.

20 9. This Consent Agreement, once approved and signed, is a public record that
21 will be publicly disseminated as a formal action of the Board and will be reported to the
22 National Practitioner Data Bank and to the Arizona Medical Board's website.

23 10. If any part of the Consent Agreement is later declared void or otherwise
24 unenforceable, the remainder of the Consent Agreement in its entirety shall remain in force
25 and effect.

1 11. Any violation of this Consent Agreement constitutes unprofessional conduct
2 and may result in disciplinary action. A.R.S. § § 32-1401(27)(r) ("[v]iolating a formal order,
3 probation, consent agreement or stipulation issued or entered into by the board or its
4 executive director under this chapter") and 32-1451.

5 12. Respondent has read and understands the condition(s) of probation.

6
7 Stephen J. Joyce MD
8 STEPHEN J. JOYCE, M.D.

DATED: 9/2/08

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FINDINGS OF FACT

1. The Board is the duly constituted authority for the regulation and control of the practice of allopathic medicine in the State of Arizona.

2. Respondent is the holder of license number 9875 for the practice of allopathic medicine in the State of Arizona.

3. The Board initiated case number MD-07-1073B after receiving information alleging that Respondent was aiding in and abetting a physician assistant (PA) in the unlawful practice of medicine.

4. During an interview with Board Staff on December 12, 2007, Respondent admitted that he countersigned charts for PA around August 28, 2007. Board Staff obtained copies of patient charts countersigned by Respondent dated from April 2007 through October 2007. Respondent also admitted that PA would introduce him as his supervising physician (SP) and that he considered himself as PA's SP. During the investigation Staff found that Respondent did not submit a Board approved Notice of Supervision before supervising PA.

CONCLUSIONS OF LAW

1. The Board possesses jurisdiction over the subject matter hereof and over Respondent.

2. The conduct and circumstances described above constitute unprofessional conduct pursuant to A.R.S. § 32-1401(27)(a) ("[v]iolating any federal or state laws or rules and regulations applicable to the practice of medicine.").The corresponding act of unprofessional conduct is in A.R.S. § 32-2534(B) ("[a] supervising physician shall file a notification of supervision in the form required and supplied by the board that is accompanied by the prescribed application fee. The notification shall include the following:

1. The supervising physicians' field and type of practice, license number, address and

1 telephone number. 2. Locations of the physician assistant's employment, including health
2 care institutions. 3. The identity of all intended supervising physician's agents and their
3 professional relationship to the supervising physician. 4. Guidelines the supervising
4 physician or supervising physician's agents will follow to ensure timely supervision of the
5 physician assistant's approved health care tasks. 5. A statement to the board indicating
6 whether the physician has been approved by the board for supervision pursuant to 32-
7 2533. ").

8 **ORDER**

9 **IT IS HEREBY ORDERED THAT:**

10 1. Respondent is issued a Letter of Reprimand for failure to properly supervise
11 a physician assistant.

12 2. Respondent is placed on probation for **one year** with the following terms and
13 conditions:

14 A. **Continuing Medical Education**

15 Respondent shall within six months of the effective date of this Order obtain **10 - 15**
16 **hours** of Board Staff pre-approved Category I Continuing Medical Education (CME) in
17 **ethics** and provide Board Staff with satisfactory proof of attendance. The CME hours shall
18 be in addition to the hours required for the biennial renewal of medical license. The
19 probation shall terminate upon successful completion of the CME.

20 B. **Obey All Laws**

21 Respondent shall obey all state, federal and local laws, all rules governing the
22 practice of medicine in Arizona, and remain in full compliance with any court ordered
23 criminal probation, payments and other orders.

1 C. Tolling

2 In the event Respondent should leave Arizona to reside or practice outside the
3 State or for any reason should Respondent stop practicing medicine in Arizona,
4 Respondent shall notify the Executive Director in writing within ten days of departure and
5 return or the dates of non-practice within Arizona. Non-practice is defined as any period of
6 time exceeding thirty days during which Respondent is not engaging in the practice of
7 medicine. Periods of temporary or permanent residence or practice outside Arizona or of
8 non-practice within Arizona, will not apply to the reduction of the probationary period.

9 3. This Order is the final disposition of case number MD-07-1073B.

10 DATED AND EFFECTIVE this 9th day of October, 2008.

11 (SEAL)



ARIZONA MEDICAL BOARD

12
13
14 By



Lisa S. Wynn
Executive Director

15 ORIGINAL of the foregoing filed
16 this 9th day of October, 2008 with:

17 Arizona Medical Board
18 9545 E. Doubletree Ranch Road
19 Scottsdale, AZ 85258

20 EXECUTED COPY of the foregoing mailed
21 this 9th day of October, 2008 to:

22 Stephen J. Joyce, M.D.
23 Address of Record



Investigational Review